

AO 89B (07/16) Subpoena to Produce Documents, Information, or Objects in a Criminal Case

UNITED STATES DISTRICT COURT

for the
District of Massachusetts

United States of America

v.

Ross McLellan

Defendant

Case No. 16-cr-10094

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR
OBJECTS IN A CRIMINAL CASE

To: State Street Corporation

(Name of person to whom this subpoena is directed)

YOU ARE COMMANDED to produce at the time, date, and place set forth below the following books, papers, documents, data, or other objects:

See Attachment A

Place: Clerk's Office United States District Court, District of Massachusetts 1 Courthouse Way, Boston, MA 02210	Date and Time:
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Certain provisions of Fed. R. Crim. P. 17 are attached, including Rule 17(c)(2), relating to your ability to file a motion to quash or modify the subpoena; Rule 17(d) and (e), which govern service of subpoenas; and Rule 17(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

(SEAL)

Date: _____

CLERK OF COURT

Signature of Clerk or Deputy Clerk

The name, address, e-mail, and telephone number of the attorney representing *(name of party)* Ross McLellan, who requests this subpoena, are:

Martin G. Weinberg, 20 Park Plaza, Suite 1000, Boston, MA 02116
owlmcb@att.net, 617-227-3700

Notice to those who use this form to request a subpoena

Before requesting and serving a subpoena pursuant to Fed. R. Crim. P. 17(c), the party seeking the subpoena is advised to consult the rules of practice of the court in which the criminal proceeding is pending to determine whether any local rules or orders establish requirements in connection with the issuance of such a subpoena. If no local rules or orders govern practice under Rule 17(c), counsel should ask the assigned judge whether the court regulates practice under Rule 17(c) to 1) require prior judicial approval for the issuance of the subpoena, either on notice or ex parte; 2) specify where the documents must be returned (e.g., to the court clerk, the chambers of the assigned judge, or counsel's office); and 3) require that counsel who receives produced documents provide them to opposing counsel absent a disclosure obligation under Fed. R. Crim. P. 16.

Please note that Rule 17(c) (attached) provides that a subpoena for the production of certain information about a victim may not be issued unless first approved by separate court order.

Case No. 16-cr-10094

PROOF OF SERVICE

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____
_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____
_____.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of

\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Print

Save As...

Add Attachment

Reset

Federal Rule of Criminal Procedure 17 (c), (d), (e), and (g) (Effective 12/1/08)

(c) Producing Documents and Objects.

(1) In General. A subpoena may order the witness to produce any books, papers, documents, data, or other objects the subpoena designates. The court may direct the witness to produce the designated items in court before trial or before they are to be offered in evidence. When the items arrive, the court may permit the parties and their attorneys to inspect all or part of them.

(2) Quashing or Modifying the Subpoena. On motion made promptly, the court may quash or modify the subpoena if compliance would be unreasonable or oppressive.

(3) Subpoena for Personal or Confidential Information About a Victim. After a complaint, indictment, or information is filed, a subpoena requiring the production of personal or confidential information about a victim may be served on a third party only by court order. Before entering the order and unless there are exceptional circumstances, the court must require giving notice to the victim so that the victim can move to quash or modify the subpoena or otherwise object.

(d) Service. A marshal, a deputy marshal, or any nonparty who is at least 18 years old may serve a subpoena. The server must deliver a copy of the subpoena to the witness and must tender to the witness one day's witness-attendance fee and the legal mileage allowance. The server need not tender the attendance fee or mileage allowance when the United States, a federal officer, or a federal agency has requested the subpoena.

(e) Place of Service.

(1) In the United States. A subpoena requiring a witness to attend a hearing or trial may be served at any place within the United States.

(2) In a Foreign Country. If the witness is in a foreign country, 28 U.S.C. § 1783 governs the subpoena's service.

(g) Contempt. The court (other than a magistrate judge) may hold in contempt a witness who, without adequate excuse, disobeys a subpoena issued by a federal court in that district. A magistrate judge may hold in contempt a witness who, without adequate excuse, disobeys a subpoena issued by that magistrate judge as provided in 28 U.S.C. § 636(e).

Attachment A

This subpoena does not seek a reproduction of any information that was submitted to the United States Attorney's Office, *e.g.* documents bates stamped SS1_000000001 through SS1_001358122, SS2_000000001 through SS2_000000267, and SS3_000000001 through SS3_000013011. To the extent a responsive document was already produced, State Street Corporation can omit the document from its response to this subpoena. Any responsive documents that were not previously produced to the United States Attorney's Office, must be produced. This subpoena does not require State Street to create a privilege log relating to any privileged communications and/or documents following the discovery of the alleged overcharges and the involvement of State Street's Legal Department.

1. Any (a) investment management contract between State Street Global Advisors and [REDACTED], or any of its affiliates or subsidiaries, that were in effect between February 1, 2011, and June 30, 2011 that concerned the [REDACTED]; and (b) contracts between State Street Global Markets and [REDACTED] applicable to the transitions State Street conducted for the [REDACTED] in or about March 2011.
2. All trade confirmations created and/or submitted in connection with the transition of the [REDACTED] between March and May of 2011.
3. All TMAs, RFPs and RFP responses, Pre-trades, and Post-trades created and/or submitted by State Street Corporation ("State Street") or any of its affiliates or subsidiaries to [REDACTED] from 2009 through April 30, 2011.
4. All regulatory documents created and/or submitted pursuant to 17 CFR 270.17e-1 in connection with the transition of the [REDACTED] in or about March 2011.
5. All email or other written communications, call notes, and/or call reports between State Street or any of its affiliates or subsidiaries, involving [REDACTED] relating to the transition of the [REDACTED] between January 1, 2011 and December 31, 2011.

6. All internal, non-privileged email or other written communications, call notes, call reports, and/or memoranda, involving [REDACTED]
[REDACTED]
[REDACTED], relating to the transition of the [REDACTED]
[REDACTED]
between January 1, 2011 and December 31, 2011.
7. All non-privileged email or other written communications, call notes, and/or call reports between State Street or any of its affiliates or subsidiaries, and [REDACTED]
[REDACTED], relating to the transition of the [REDACTED]
[REDACTED]
[REDACTED], between September 7, 2017 and December 31, 2017.
8. All internal, non-privileged email or other written communications, call notes, call reports, and/or memoranda, relating to the transition of the [REDACTED]
[REDACTED]
[REDACTED], between September 7, 2017 and November 30, 2017.
9. All non-privileged communications, call notes, call reports, interview notes, and/or memoranda leading to the October 25, 2017 self-disclosure of the [REDACTED]
[REDACTED] to the United States Attorney's Office.